

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 04/2021)

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
DIVISION

United States Courts  
Southern District of Texas  
FILED

JUN 23 2022

Vivian Johnson 02454336

Plaintiff's Name and ID Number

Nathan Ochsner, Clerk of Court

Harris County, Texas

Place of Confinement

CASE NO.

(Clerk will assign the number)

v.

Harris County Sheriff's Office

Defendant's Name and Address 1200 Baker St,  
Houston, TX 77002

Edward Gonzalez

Defendant's Name and Address 1200 Baker St,  
Houston, TX 77002

Philip Bosquez

Defendant's Name and Address 1200 Baker St,  
Houston, TX 77002  
(DO NOT USE "ET AL.")

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INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE. ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND *IN FORMA PAUPERIS* (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$52.00 for a total fee of \$402.00.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$52.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

#### CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

#### I. PREVIOUS LAWSUITS:

A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment?  YES  NO

B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: 12/29/16

2. Parties to previous lawsuit:

Plaintiff(s) Khwhun Johnson

Defendant(s) Anita Garner, Wesley Freeman, Grant Dickey, Bobbi Carter

3. Court: (If federal, name the district; if state, name the county.) Southern

4. Cause number: 42: 1983 Prisoner Civil Rights

5. Name of judge to whom case was assigned: Heith P. Ellison

6. Disposition: (Was the case dismissed, appealed, still pending?) Dismissed

7. Approximate date of disposition: 4/24/17

II. PLACE OF PRESENT CONFINEMENT: Harris County, Tx.

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure?  YES  NO HCSO WONT ALLOW  
Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Kiwhun Johnson 701 N. San Jacinto  
HOUSTON, TX 77002

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Edward Gonzalez, (Sheriff), HCSO, 1200 Baker St.  
HOUSTON, TX 77002

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He intentionally and deliberately allowed constant assaults take place.

Defendant #2: Philip Basquez, (Major), HCSO, 1200 Baker St.  
HOUSTON, TX 77002

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He gave approval to unconstitutional acts continuously against me.

Defendant #3: Captain Croas, (Captain), HCSO, 1200 Baker St.  
HOUSTON, TX 77002

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He also gave approval to lower ranks to commit unconstitutional and illegal acts.

Defendant #4: Bryan Buccini, (T.), HCSO, 1200 Baker St.  
HOUSTON, TX 77002

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He made false reports and made me sleep on cold concrete for weeks while NAKED.

Defendant #5: Jericho Tyler, (SGT.), HCSO, 1200 Baker St.  
HOUSTON, TX 77002

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He beat me with hand cuffs on his hand, Choked me, Kicked me, and refused me any medical treatment afterwards. Also refused to report it on 1/22/22.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

I have contacted Ed Gonzalez several times via mail due to multiple and constant assaults. In January 2021 I was being constantly sexually harassed and also assaulted by an inmate (not sexually). I reported it via Kiosk to Shift Supervisor and in person at 1200 Baker St. and nothing was done about it. 1/12/21, 1/15/21, 1/19/21 I sent a grievance to the Shift Supervisor.

ON 6/14/21 SGT. (Named in Grievance # 2107518) took LEGAL Notation from 1/12/21 that also addressed me being assaulted, harassed, and threatened constantly.

Continued on Separate Sheet →

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes. First I need IMMEDIATE TRANSFER from 701 N. San Jacinto Jail.

I want all pending charges against me dismissed. I want all officers criminally charged for assault and intentional negligence. I want \$25,000,000.00 cash compensation for Punitive Damages ETC.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Whitney Johnson

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

02454326, 82821379

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed?  YES  NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division):  NA

2. Case number:  NA

3. Approximate date sanctions were imposed:  NA

4. Have the sanctions been lifted or otherwise satisfied?  YES  NO

C. Has any court ever warned or notified you that sanctions could be imposed?  YES  NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

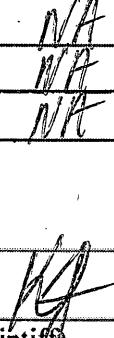
1. Court that issued warning (if federal, give the district and division): NA

2. Case number: NA

3. Approximate date warning was issued: NA

Executed on: 6/19/22

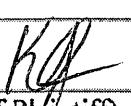
DATE

  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 19TH day of June, 20 22.  
(Day) (month) (year)

  
(Signature of Plaintiff)

**WARNING:** Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

Defendant's Name and Address: Continued from Page 1

Captain Cross	1200 Baker St.	Houston, TX 77002
Bryan Buccini	1200 Baker St.	Houston, TX 77002
Jericho Tyler	1200 Baker St.	Houston, TX 77002
K. Minkin	1200 Baker St.	Houston, TX 77002
I. White-Williams	1200 Baker St.	Houston, TX 77002
Victoria Jimenez	701 N. San Jacinto	Houston, TX 77002
SGT. Ward	1200 Baker St.	Houston, TX 77002
M. Loeschen	1200 Baker St.	Houston, TX 77002
A. Saucier	1200 Baker St.	Houston, TX 77002

II. Previous Lawsuits: Continued

1 7/31/18  
 2 Plaintiff: Kuhun Johnson Defendant: Beaumont (USP) FBOP  
 3 Southern District  
 4 42: 1983 Prisoner Civil Rights  
 5 Vanessa D. Gilmore  
 6 Dismissed  
 7 8/9/2018 Transferred

III. Parties to this Suit: Continued

Defendant 6: K. Minkin, (Petty Officer), HCSO, 1200 Baker St,  
 Houston, TX 77002

On 5/23/22 K. Minkin punched me in the face while I was being escorted by two other officers to Medical. I was handcuffed and shackled so I couldn't defend myself. She also threatened me with a broom first.

Defendant #7: I. White-Williams, (Petty Officer), HCSO, 1200 Baker St.  
 Houston, TX 77002

On 6/2/22 this guy came to my housing area at 7NI and dashed me in the face with some hot liquid and laughed about it. He claims it was urine. Officer Diaz witnessed it. He also stated he hates Muslims and threw the Holy QURAN on the floor.

Defendant #8: Victoria Jimenez (Law Library Coordinator), HCSO, 701. San Jacinto St,  
 Houston, TX 77002

Won't make copies of legal work, won't allow adequate procedures to study needed information, will not order a kiosk for 7N and 6N, only allows 20 pages total per week, skips weeks at a time often, refuses to give any info on Civil Matters, but all other inmates have access to it (except 7N and 6N), and we usually don't even see a paralegal even though we request to see them.

Defendants #9-11 are stated in last paragraph on Page 3 of 3.

## V. Statement of Claim: Continued

10/28/21 or 6/19/21 while in Medical officer Abel Correa put his knee on my Neck for at least 2 minutes. I made a grievance # 217654 but it was nothing done about it.

From 7/2/21 - 7/6/21 I was forced to sleep on concrete naked with only a smock per Major Bosquez and Captain Croas. MHU Staff said it was inhumane to sleep on concrete with only a smock. (MHU Staff M. Addison, H. Holmes, D. Wilson)

From 7/9/21 - 7/12/21 I was forced to 6NQ to sleep naked on concrete next to fecies, and used a STYROFOAM tray for defecation due to no flushing of drains. This was per Major Bosquez, Captain Croas, Lt. Bryan Buccini.

From 7/13/21 - 7/19/21 6NQ (GUANTANAMO Bay) Treatment again. This time I was gassed twice w/o decontamination and dragged on the floor twice by shackles and cuffs while unconscious and later having an asthma attack. Also using Styrofoam trays to defecate. Mr. J. Holmes witnessed the treatment.

On 11/2/21 I spoke with Law Library Staff Arriago about making copies of Legal Work and she told no one is responsible for that in Law Library and that a HCSB SGT. is responsible for that.

On 12/24/21 I spoke with SGT. D. Hernandez about recent letters to Ed Gonzalez. On 1/5/22 SGT. Hernandez brought me Legal Documents to sign concerning legal ISSUES I wrote to Ed Gonzalez.

On 1/13/22 - 1/24/22 I was placed in 6NQ to go through (GUANTANAMO Bay) treatment again. STYROFOAM trays for defecation. Also on 1/22/22 I was Attacked by Jericho Tyler in Medical. SGT. Doucete, SGT. Kelly and J. GUERRA saw the incident. Nurse Hofield tried to administer medical Service but TYLER told her no even after she noticed the Red, swelling and bruising on my eye.

On 1/23/22 My attorney took a picture of my eye while it was black, blood clotted, and knotted up with bruising and sent it to my family.

2/22/22 - 2/27/22 I was stripped of all bedding, clothing, and property by SGT. ACEVEDO. I was forced to sleep naked on concrete in 7B1-A cell.

2/23/22 I was sprayed by SGT. Bruce and he refuse to decontaminate me or my cell and refused me a fresh set of blankets also.

2/27/22 - 3/7/22 I was sent back down to 6N1 (GUANTANAMO BAY) for more intense punishment from Bryan Buccini. J. HOLMES and T. McGraw worked and also SGT. Gonzalez and Vaughn.

5/23/22 - 5/28/22 I was placed back in 6N2 for (GUANTANAMO BAY) treatment. At 9<sup>45</sup> pm I was punched in the face with a closed fist by N. Minkin while being escorted to medical for other reasons. She first tried to hit me with a broom stick. I was handcuffed and shackled when assault occurred. R. HAWKINS and J. Gonzalez and cameras are witnesses to the crime.

6/2/22 I was assaulted by T. White-Williams (officer). He threw a hot liquid in my face and laughed. He claims it was urine. Officer Diaz saw him do it. He spoke up and launched it while we were talking at 7N2.

Also being refused RECREATION, ONLY 1 TV so only 1 person gets a view in 7N and 6N cell block, And officers M. Laeschen and A. SAUCIER have held my correspondence and refused to let some go out or come in. Also SGT. Ward and the Mail room staff never returned books that Exceeded quantity limit to Barnes and Nobles for my family's refund. He kept the books here At HSO and did not give them to me. Also SGT. WARD never sent out nor gave me my RETURN SERVICE of my CERTIFIED MAIL that I spent \$8.12 on 11/8/21. It did not show up in the USPS system meaning that I have been robbed of my money. Family Mail and Pictures sometimes come to me a month after the date posted and stamped by the Post Office. Also refuses me from buying religious items from commissary such as a HUFI. And also refuse to let me buy soap, Cough drops, muscle rub, and hair grease.

HARRIS COUNTY SHERIFF'S OFFICE JAIL

Name Whalen Johnson  
SPN 02454326 Cell 7N1  
Street 701 N. San Jacinto  
HOUSTON, TEXAS 77002



AFSM 6 N Hou 773

TUE 21 JUN 2022 PM

U.S. POSTAGE  
Sort and Distribute  
FILE

JUN 23 2022

Nathan Ochsner, Clerk

URGENT  
LEGAL MAIL

NATHAN OCHSNER, Clerk

Clerk of Court

P.O. Box 61010  
Houston, TX 77208